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Before the
Federal Communications Commission
Washington, D.C. 20554

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DEC - 9 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Interconnection and Resale Obligations)
Pertaining to)
Commercial Mobile Radio Services)

WT Docket No. 98-100

CC Docket No. 94-54

PETITION FOR FURTHER RECONSIDERATION

MCI WORLDCOM, Inc. ("MCI WorldCom") petitions the Federal Communications Commission ("Commission") for reconsideration of the Memorandum Opinion and Order on Reconsideration ("Order").¹

In the Order, the Commission affirmed its selection of a sunset date of November 24, 2002 for the existing wireless resale rule, and modified its initial decision in several respects, notably by removing customer premises equipment (CPE) from the scope of the resale rule. First, MCI WorldCom requests the Commission extend the mandatory resale rule sunset date from November 24, 2002 to November 24, 2003 at the earliest, or to extend the sunset date to at least one full year after the successful conclusion of wireless local number portability (LNP) implementation. Second, MCI WorldCom requests the Commission to reconsider in part its exemption of mandatory resale of CPE. Resellers should be able to resell enhanced E911 wireless handsets since some carriers are

¹ See Memorandum Opinion and Order on Reconsideration, In the Matter of Interconnection and Resale Obligations Pertaining to Commercial Mobile Radio Services, Personal Communications Industry Association's Broadband Personal Communications Services Alliance's Petition for Forbearance for Broadband Personal Communications Services; Forbearance from Applying Provisions of the Communications Act to Wireless Telecommunications Carriers; Further Forbearance from Title II

implementing E911 requirements in CPE, not in the network. Further, enhanced features or services that may be available for routing and processing of calls for E911 purposes must be resold.

I. Wireless LNP Must Precede Mandatory Resale Rule Sunset

The Commission's decision to terminate the mandatory resale rule on November 24, 2002, is potentially disruptive for customers. Wireless carriers are supposed to implement LNP by that date, but no progress has been made in that regard according to reports made by wireless representatives at North American Numbering Council ("NANC") meetings. Wireless carriers, as a matter of historical fact, have responded to LNP requirements by filing extension of time requests instead of implementing LNP.² There is no certainty that wireless carriers will be any more ready to implement LNP on November 24, 2002 than they are today. Without LNP, any wireless carrier choosing to terminate its resale arrangements could potentially strand wireless resale customers.³ Wireless resale customers will need to change their telephone number—at great inconvenience in order to continue service. This would be the outcome whether the customer seeks to establish service with the underlying carrier or whether the customer decides to migrate with its reseller-carrier to a new facilities-based arrangement

Regulation for Certain Types of Commercial Mobile Radio Services. Adopted Sept. 15, 1999, released September 27, 1999.

² Cellular Telecommunications Industry Association's Petition for Forbearance from Commercial Mobile Radio Services Number Portability Obligations, Memorandum Opinion and Order, WT Docket No. 98-229, CC Docket No. 95-116 (adopted February 8, 1999; rel. February 9, 1999).

³ Existing resale contracts do not necessarily expire coincident with the mandatory resale rule, and nothing in this petition should be construed as limiting MCI WorldCom's ability to enforce contracts to the full extent of the law. In addition, MCI WorldCom believes that the anti-discrimination provisions of Title II may require wireless carriers to sell service to resellers even in the absence of a mandatory resale rule. These issues are outside the scope of this proceeding, however, and we do not seek resolution of them here.

(assuming that the reseller can find a carrier that voluntarily decides to sell at wholesale).⁴

Additionally, if the Commission adopts a “calling party pays” regime in the interim, wireless users will give out more frequently their telephone numbers, thereby becoming more attached to their individual numbers, and consequently, more loath to give them up. With LNP in place, wireless customers will not face disrupting communications by having to change phone numbers should resellers be forced to change underlying providers. In any case, there is simply no reason for the Commission to set a schedule in this proceeding knowing it may well lead to the result of displacing customers from wireless resellers.

Further, as the Commission knows only too well, number exhaust is pervasive throughout the country. Terminating resale without the safety net of in-place wireless LNP will only increase number exhaust and frustrate number optimization efforts as wireless resellers scramble to get new numbers and service for customers in the wake of mandatory resale expiration. No guarantees exist for resellers that once their respective service contracts expire with the underlying facilities-based providers that reasonable terms and conditions, or even service, will be offered by those same underlying carriers to resellers. To terminate mandatory resale and not have wireless LNP successfully implemented throughout the country leaves resellers and their customers at the mercy of the underlying carriers and skews the market in the favor of facilities-based carriers at the expense of resellers.

⁴ Even if some customers choose to migrate, there is no doubt that resellers will be significantly and adversely impacted.

To avoid these severe customer-impacting outcomes, MCI WorldCom has advocated and continues to advocate, a Commission-mandated LNP implementation schedule on the wireless industry. To that end, MCI WorldCom urges the Commission to impose precise reporting requirements so that the Commission is not again faced with an 11th appeal that wireless LNP implementation must again be delayed.⁵ MCI WorldCom urges the Commission to require the top 10 wireless carriers to report quarterly in detail to the Commission on individual progress in implementing LNP. The Commission should seek comment from the public defining the operational milestones that are needed to identify and show progress toward meeting LNP implementation.

For example, the first report from wireless carriers should outline in detail all steps necessary to implement LNP in the carrier's network by May 24, 2002. Operational milestones must be listed showing that the necessary databases and software are being installed to allow ported customers to roam and that billing issues are being addressed to prevent their use as an excuse for not complying with the LNP mandate. Carrier reports should also show progress toward the necessary arrangements for porting customers in and out of their networks and successfully completing calls to these customers.

Further, each carrier should provide the Commission with a master test schedule showing internal network testing, intercompany network testing and number portability administration center (NPAC) testing (or service bureau coordination and/or testing) with dates, times and objectives. Updates must be made quarterly showing test results. If, for any reason testing fails to occur, a carrier must discuss in detail why tests were not conducted, provide the new test date and steps underway to make up the lost time. Eight

⁵ See Cellular Telecommunications Industry Association's Petition for Forbearance from Commercial Mobile Radio Services Number Portability Obligations, filed December 16, 1997.

months prior to the implementation deadline, the Commission should require wireless carriers to schedule all testing with the NPAC and other wireless/wireline carriers.

MCI WorldCom urges that the reports be made jointly to the Common Carrier Bureau, and Wireless Telecommunications Bureau, since the Common Carrier Bureau has extensive experience with LNP implementation. Such reports should also be shared with the NANC.

II. Wireless E911 Requires Mandatory CPE Resale

MCI WorldCom asks the Commission to reconsider in part its exemption of mandatory resale of CPE. Many resellers typically buy handsets from manufacturers. However, as underlying carriers choose to employ handset solutions to the Commission's various E911 requirements, resellers who use those underlying carriers must also employ the same solution, that is, enhanced handsets. Manufacturers may be pressured to first fill the orders of their larger wireless carrier customers, the facilities-based carriers, and delay in providing enhanced handset solutions to resellers. If resale of CPE is no longer required, resellers' customers face either being disadvantaged by having to wait longer for the enhanced handsets or burdened by the need to switch to a facilities-based carrier to obtain the handset earlier. The Commission must require mandatory CPE resale to allow resellers to obtain from underlying carriers the necessary handsets if those carriers choose to employ an enhanced handset or combination enhanced handset/network solution for E911.

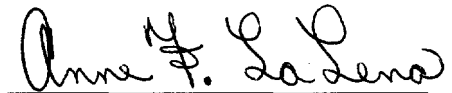
Further, the Commission must make expressly clear to facilities-based wireless carriers that they must provide to reseller customers any network-based E911 capabilities that the underlying carriers adopt in their networks. End-user customer safety

necessitates that all network features and services, routing/transmission of calls must be provided equally to the customers of resellers just as such functions are provided to the customers of facilities-based carriers. The Commission must not allow any diminution of quality of network features for E911 that facilities-based carriers provide to resellers for their customers.

In conclusion, MCI WorldCom urges the Commission to (1) reconsider its decision to maintain the November 24, 2002 mandatory resale sunset date until one full year after successful national LNP implementation for wireless carriers and (2) maintain mandatory resale of CPE and network features for E911.

Respectfully submitted,

MCI WorldCom, Inc.

A handwritten signature in black ink, reading "Anne F. La Lena". The signature is fluid and cursive, with a horizontal line drawn underneath it.

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December 9, 1999

CERTIFICATE OF SERVICE

I, Vivian Lee, do hereby certify that copies of the foregoing In the Matter of Petition for Further Reconsideration were sent via first class mail, postage paid, to the following on this 9th day of December 1999.

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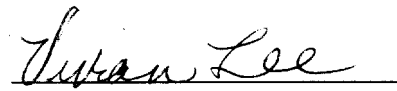
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